

The Special/Study Meeting of the Troy City Planning Commission was called to order by Chairman Chamberlain at 7:30 P.M. on Tuesday, September 25, 2001 in the Lower Level Conference Room of the Troy City Hall.

1. ROLL CALL

**Present:**

Chamberlain  
Littman  
Pennington  
Wright  
Waller  
Kramer  
Storrs  
Starr

**Absent**

Reece (excused)

**Also Present:**

Mark Miller, Interim Planning Director  
Lori Bluhm, Acting City Attorney  
Ron Figlan, Planner  
Jordan Keoleian, Student Representative  
Doug Smith, Real Estate and Development Director

RESOLUTION

Moved by: Wright

Seconded by: Starr

RESOLVED, that Mr. James Reece be excused from attendance at this meeting.

RESOLUTION APPROVED

Yeas: All Present (8)

Absent: Reece

## 2. MINUTES

Special Study of June 26, 2001 – Approved

Regular Meeting of July 10, 2001 – Approved

Regular Meeting of August 14, 2001 – Revise page 17, bottom of page "was asking for special use request". Mr. Chamberlain stated he brought this up after the discussion was closed. Needs to be reworded.

Special Study Meeting of August 28, 2001 – Mr. Reece was absent, not Mr. Wright.

### RESOLUTION

Moved by: Mr. Storrs

Seconded by: Mr. Wright

RESOLVED to approve all four (4) sets of minutes as corrected.

Yeas:

Nays:

Absent:

All Present (8)

Reece

RESOLUTION APPROVED

## **STUDY ITEMS**

### 3. BOARD OF ZONING APPEALS REPORT

Mr. Storrs noted there was one (1) item tabled and one (1) item approved at the last meeting of the Board of Zoning Appeals. He stated that some of the language in section 31.30.00 of the Zoning Ordinance and Section 41.50.00 needs to be clarified. Mr. Chamberlain made a request that Ms. Bluhm and Mr. Miller work up some language to clarify the Ordinance as it is interpreted and then bring it back to the Planning Commission. Mr. Waller also asked that Mr. Miller prepare some elevation drawings to go along with the language.

#### 4. CURRENT DEVELOPMENT REPORT

Mr. Miller commented that City Council is working on developing goals and objectives for the Civic Center.

Mr. Storrs commented that the Civic Center should include a jogging path, 1½ mile to 2 miles in length.

Mr. Miller noted that Sandalwood South Condominium in length is having problems meeting building height requirements.

Mr. Miller stated that City Management has submitted to City Council a request to reconsider the urban density housing issue, to allow apartments in the Big Beaver corridor.

Mr. Smith noted IKEA has not submitted elevations, but everything else seems to be in order. This proposal will include a rezoning request.

Mr. Smith stated that the Retirement Board made an offer on the Ford and Earl property for investment purposes.

Mr. Kramer stated that Grand Rapids' downtown area includes a pavilion that can be used as a skating rink.

Mr. Smith stated that the conference and convention facilities in Grand Rapids is on a much grander scale than what we have envisioned for Troy.

#### 5. DOWNTOWN DEVELOPMENT AUTHORITY REPORT

Mr. Smith noted the next meeting is Wednesday morning, October 3, 2001. They will be looking at future projects. City Management request help fund fire station #3.

Mr. Storrs commented on high rises on the Civic Center site. Livernois down to Lewis Street, a small office high rise district could be possible.

Mr. Smith stated there is not enough depth for a high rise.

Mr. Storrs stated he would like to figure out how to get more residential in the civic center area.

Mr. Smith stated high density residential for seniors is possible.

Mr. Storrs stated he was thinking of something more in the area of 6 to 8 stories and something more vibrant.

Mr. Chamberlain thanked Mr. Miller for the package the Planning Commission received, stating it had lots of information and detail, and how much it was appreciated. He particularly commented on the Future Land Use Map which included the abutting communities and would like to see this kind of information used on a day to day basis.

6. PROPOSED WETLANDS ORDINANCE AND NATURAL FEATURES PROTECTION ORDINANCES (Chapter 37 & Chapter 38)

Mr. Chamberlain asked for a recommendation resolution from the Planning Commission to the City Council regarding the two (2) proposed ordinances.

Mr. Kramer proposed to reduce the setback requirements.

Mr. Storrs stated he does not think the Ordinances are workable. They add bureaucracy and confusion. Is the City prepared to jump through the hoops to administer the Ordinances. There are problems with the definition of development and wetlands.

Ms. Bluhm stated that the definitions are consistent with the State Act. She further stated that the burden is on the City, not the owner of the property to prove the wetlands are essential. She also said that the letters were sent to property owners who are affected by the proposed map. This map is a guide and is not definitive.

Mr. Storrs commented that this is a moving process. Further, does the DPW have to come to the Planning Commission to get a permit. He further stated that definitions are different between the two Ordinances. The best way to protect Natural Features is to own them. Let's release stormwater even more slowly and provide it as an amenity in development projects. The City should start buying properties with Natural Features.

Mr. Keoleian asked if any of our neighboring communities have wetlands or natural features protection ordinances.

Ms. Bluhm stated that Rochester, Rochester Hills, and Bloomfield Township, have these types of ordinances, while 18 Oakland County communities have these types of ordinances.

Mr. Keoleian asked if we do adopt these, will Natural Features really be preserved.

Ms. Pennington agrees with Mr. Storrs as to what we are going to achieve with these ordinances. There will be a lot more costs involved and she is curious to hear what property owners think. She agrees with City Councilman, Mr. Kaszubski, concerning millage money to purchase some of these wetlands and natural features.

Ms. Bluhm stated the City Council is discussing the purchase option. That issue should be coming back to City Council at the second meeting in October.

Ms. Pennington stated she has major problems with the proposed ordinances.

Mr. Waller commented that specific language should be provided to resolve differences of professional opinion when conflicts arise. If it is not addressed, he feels the applicants' opinion will be ignored.

Mr. Kramer stated developers should be encouraged to protect Natural Features and remove the provisions for leaving in setbacks undisturbed, but require enhancement.

Mr. Chamberlain stated the Ordinance is broke and can't be fixed. Why are the Ordinances needed when only nine percent (9%) of our land is undeveloped. The Ordinances should not be considered for adoption. There should be assistance to the Planning Commission and City Council to figure out how to approve developments with Natural Features. These Ordinances will be like the Endangered Species Act, private property rights will be affected.

Mr. Littman stated it's worth going forward with the Ordinances. There should be a legal means of dealing with the financial impact when there are property takings.

Mr. Chamberlain stated that the City should then come in and buy the land that have Natural Features.

Mr. Littman stated if a developer cannot build, then there is a mechanism to identify properties to be saved. It is good for us to know where these areas are.

Mr. Starr stated he doesn't trust the State in regulating wetlands and the City can solve this. The City can save the remaining natural features. The cost of administration of the ordinances may pay for the purchase of the Natural Features.

Mr. Storrs agreed that there are a lot of costs to administer these ordinances. Planning Commission has to submit a recommendation. The City should start a program to buy these properties.

Mr. Keoleian stated the City should use bond dollars to purchase wetlands and natural features.

Ms. Pennington stated we should start over. She also commented on being curious regarding the input of the people at the October 9, 2001, City Council public hearing.

Mr. Waller stated that the Planning Commission's recommendations and suggestions should be passed up to City Council. City Council has final authority. The recommendation to Council should be carefully worded and include thoughtful recommendations.

Mr. Kramer stated agreement with Mr. Waller's comments. Specifically, strong support for using this Ordinance as a means to identify natural features and a guideline for future purchases. He stated the two ordinances should be combined.

Mr. Kramer asked Ms. Bluhm what had been discussed previously in terms of clarification as to how it applies to grandfathering in this Ordinance.

Ms. Bluhm stated previously platted lots which are used as intended, the requirements of the two ordinances would not be applicable.

Mr. Kramer stated these Ordinances, by themselves, confuses and throws fuel on the fire rather than clarifies the regulation.

Mr. Littman stated he wants to send a recommendation to City Council. He asked if a resolution could include everyone's comments.

## RESOLUTION

Moved by: Storrs

Seconded by: Waller

RESOLVED, That The Planning Commission has grave concern about the practicality and functionality of the proposed Chapter 37 – Wetlands Ordinance and the Chapter 38 – Natural Features Protections drafts dated 5/18/01;

FURTHER, it is not believed that the draft ordinances would do very much to accomplish the stated purpose. Much more could be accomplished by requiring a significant reduction in the allowed rate of release, of detained storm water, and by the City purchasing and therefore, managing and maintaining high interest wetlands and natural feature areas. Purchase of these areas could be funded in a way similar to paving of gravel streets, where the most directly benefiting property owners pay the highest assessments;

FURTHER, the City of Troy would have to comply with the specific procedures of the draft ordinances the same as an individual property owner. The City does not appear to be staffed to handle the permit process from individual landowners, let alone for the City staff to prepare, submit, and follow through on permit applications for projects on City property in accordance with the draft ordinances;

FURTHER, a delineated procedure of conflict resolution with specific responsibilities and time lines to resolve differences of opinion between an applicant's expert and the City's expert needs to be added;

FURTHER, if these Ordinances were to proceed, Chapters 37 and 38 should be combined into one chapter as indicated by the amount of redundancy between the current chapters;

FURTHER, the 50 foot setback requirement of paragraph 38.06 should include a degree of flexibility to allow discretionary accommodation of an area's uniqueness.

Yeas:

Littman  
Wright  
Storrs  
Starr  
Waller  
Kramer

Nays:

Pennington  
Chamberlain

Absent:

Reece

RESOLUTION APPROVED

Ms. Pennington stated these two ordinances interfere with my freedom and rights as a homeowner and a citizen of Troy.

Mr. Chamberlain stated these Ordinances are not needed. Troy is built out over 90%. Rather, we need ordinances which would aid the city in implementing the existing state law on wetlands, not adding to state wetlands law.

7. PROPOSED FUTURE LAND USE PLAN

The Planning Commission discussed the continuing development of the Future Land Use Plan Document. The documents presented to the Planning Commission include:

- A. Current Future Land Use Plan Map of Troy and Adjacent Communities,
- B. Staff Recommendations – Future Land Use Plan Amendments Map,
- C. Staff Recommended Changes to the Proposed Future Land Use Plan/ Narrative,
- D. Proposed Future Land Use Plan Amendments/Accepted by the Planning Commission on 5-22-2001,
- E. Environmental Preservation Areas on the Draft Natural Features Map,
- F. Draft Future Land Use Plan Map/All proposed revisions included,
- G. Subdivision Map,
- H. Revised Future Land Use Plan Text.

The Planning Commission discussed the Staff recommended changes to the Future Land Use Plan, and determined the following:

**Section 1**

Amendment Accepted

**Section 6**

Amendment Accepted

**Section 7**

Amendment Accepted

**Section 9**

Amendment Accepted

**Section 11**

Amendment Accepted

**Section 13** – Discussion occurred with the consensus that the south east corner of John R and Long Lake Roads should remain CF Community, as accepted by the Planning Commission on May 22, 2001.

**Section 14** – Amendment accepted, and general discussion occurred regarding the south west corner of John R and Long Lake Roads. The consensus was to not consider any revisions to the designation of the corner.

**Section 18** – Amendment to correct watercourse accepted and the amendment of the south east corner of Long Lake and Coolidge Roads was rejected.

**Section 20**

Amendment Rejected

**Section 21**

Amendment Accepted

**Section 22**

Amendment Rejected

**Section 25**

Amendment Accepted

**Section 27**

Amendment Accepted



**Section 29** – Mr. Waller stated that the Planned Auto Center should be enlarged from Axtel Road and include the north west corner of Maple and Crooks Roads.

Mr. Chamberlain commented that the Maple Road frontage should be in the Planned Auto Center.

Mr. Waller considered the possibility of an auto dealership zoning district.

Mr. Littman noted concern for the office uses.

Mr. Wright noted vacancy problems, also requiring car haulers to unload on dealership property.

Mr. Storrs noted the commercial impact.

Mr. Starr commented that reducing M-1 light industrial zoning is a problem.

Consensus was to enlarge the Planned Auto Center.

**Section 31**

Amendment Accepted

**Section 35**

Amendment Accepted

**Section 36**

Amendment Accepted

The Planning Commission then discussed the Future Land Use Map and the Key or Legend. The consensus was to remove all Preservation Areas on the legend/key and Map locations.

The Planning Commission then discussed the Transportation Plan:

Mr. Chamberlain stated the stars Area Under Study, should be removed and questioned as to why the word safety path is used. Also, the transit corridor should continue to Walsh College on Livernois Road. In addition, he stated the Modified Plan Adopted locations should be eliminated.

Mr. Miller commented that he would check on the language.

Mr. Kramer asked if the plan reflects the existing sidewalks and which ones should be wider than five feet.

Mr. Miller commented that City Council adopted the Sidewalk and Safety Path Plan and revised the Development Standards to require 8 feet wide sidewalks within major thoroughfares.

Mr. Chamberlain asked when did City Council approve this.

Mr. Miller stated in 2001.

It was requested that at the next Special Study meeting an aerial photo and an overlay of the safety path along Rochester Road be provided.

The Planning Commission then discussed the Future Land Use Plan text.

Page 9 – Employment Populations – Mr. Chamberlain stated that the graph on page 9 is to report real numbers.

Page 13 – IV. Elements of Current Development - A. Residential Areas – Section 4, delete last paragraph

Page 14 – IV. Elements of Current Development - C. Public Facilities – Section 1, delete last sentence that begins with "In 2001"

Page 15 – IV. Elements of Current Development - C. Public Facilities – Section 2, delete last sentence.

Page 16 – IV. Elements of Current Development - C. Public Facilities – Section 3, UTILITY PROGRAMS – End last paragraph with "was updated in 1999."

Page 19 – V. The Future Land Use Plan - A. Development Policies – Section 4.d, light industrial/research area – expand the brownfield and tax abatement content.

Page 20 – V. The Future Land Use Plan - B. Major Plan Elements – The Natural Features Map be added.

## SECTION V. THE FUTURE LAND USE PLAN - B. MAJOR PLAN ELEMENTS

### Section 1, Future Land Use Plan

Page 21, Section b) COMMERCIAL USES, Section 1. Regional Center Areas, paragraph 2, delete Maple-Livernois.

Page 21, Section b) COMMERCIAL USES, Section 2. Community Service Areas, paragraph 1, last sentence, clarify number.

Page 22, Section b) COMMERCIAL USES, Section 5. Historic Area – delete entire paragraph.

Page 23, Section e) PUBLIC/QUASI-PUBLIC AREAS, last sentence include airport.

Page 24, Section 2, transportation plan, Section c) Transit Facilities, include airport in first sentence.

Page 28 and 29, Section 3, Implementation Tools and Strategies, delete Section C, Summary of Resultant Development, delete the comparison chart on Page 29.

ADJOURNED

Respectfully submitted,

Mark F. Miller  
Interim Planning Director

MFM/dav